

S.B. 655                      Effective immediately

Sent to Governor  
(May 4, 1981)

S.C.R. 99  
S.B. 125  
S.B. 322  
S.B. 368  
S.B. 430  
S.B. 556

**SIXTY-THIRD DAY**  
(Tuesday, May 5, 1981)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Brown, Doggett, Glasgow, Mauzy, Richards, Sarpalius, Travis, Truan, Vale, Williams, Wilson.

The President announced there was not a quorum present.

**RECESS**

On motion of Senator Mauzy the Senate at 10:31 o'clock a.m. took recess until 11:00 o'clock a.m. today.

**AFTER RECESS**

The Senate met at 11:00 o'clock a.m. and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

A quorum was announced present.

The Reverend I. J. Fontaine, Fontaine Memorial Baptist Church, Austin, offered the invocation as follows:

Oh Heavenly Father, it's once again Thy humble servant come to give Thee thanks; I thank Thee first of all for Thy darling Son, Jesus, and for letting us arrive safe to this Session.

I pray for everyone here, and that this Session will be in accordance to Thy Will. Oh, Heavenly Father, we ask that You forgive us our sins and help us to resist temptation.

Bless each of those who are making decisions to govern our State, and be with us when we part, in Jesus's name I pray...Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### MESSAGE FROM THE HOUSE

House Chamber  
May 5, 1981

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 797**, Has been TABLED by the House by a Record Vote of 74 ayes, 64 nays and 1 present-not voting.

**S.B. 301**, Relating to creation, operation, and dissolution of a sheriff's department civil service system in certain counties. (With amendment)

**S.B. 488**, To insure the right-to-farm by providing limitations on nuisance actions, rules, regulations and zoning requirements concerning agricultural operations.

**H.B. 360**, Relating to the interception and use of wire or oral communications.

**H.B. 1349**, Relating to administration and regulation of water and the creation and operation of water districts.

**H.B. 1367**, Relating to catch and possession limits for commercial bait-shrimp.

**H.B. 1436**, Relating to adoption of a nonsubstantive revision of the statutes relating to agriculture.

**H.B. 2199**, Relating to the composition function, and authority of the Antiquities Committee and the regulation of activities that affect certain submerged archeological landmarks.

**H.B. 2358**, Relating to funds for administration of the Teacher Retirement System of Texas.

**H.J.R. 62**, Proposing a constitutional amendment to authorize the legislature to provide by law for assistance grant, medical care, and services to needy persons without a constitutional ceiling on the amount of state assistance.

**H.C.R. 150**, Recognizing "American Airlines Day" in Texas.

The House refused to concur in Senate amendments to **H.B. 391** and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

House Conferees: Thompson, G., Chairman; Cary, Gavin, Emmett, Wieting.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Caperton and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

**S.B. 1256** by Caperton State Affairs  
Relating to the removal and disposal of certain motor vehicles.

**S.B. 1257** by Glasgow Education  
Relating to gifts and grants for the use or benefit of North Texas State University.

**S.B. 1258** by Brown State Affairs  
Relating to postponement of certain elections because of a disaster emergency.

**S.C.R. 101** by Doggett Administration  
Granting William E. Anderson permission to sue the State.

**S.R. 585** by Mengden Economic Development  
Petitioning the Texas Congressional delegation to seek the removal or resignation of Paul A. Volcker as chairman of the Federal Reserve Board.

#### HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read the first time and referred to the Committee indicated:

- H.B. 48**, To Committee on Education.
- H.B. 154**, To Committee on Jurisprudence.
- H.B. 181**, To Committee on Education.
- H.B. 199**, To Committee on Human Resources.
- H.B. 272**, To Committee on Intergovernmental Relations.
- H.B. 273**, To Committee on Intergovernmental Relations.
- H.B. 326**, To Committee on Intergovernmental Relations.
- H.B. 419**, To Committee on Intergovernmental Relations.
- H.B. 428**, To Committee on State Affairs.
- H.B. 556**, To Committee on Natural Resources.
- H.B. 578**, To Committee on Jurisprudence.
- H.B. 591**, To Committee on Economic Development.
- H.B. 599**, To Committee on Economic Development.
- H.B. 716**, To Committee on Natural Resources.
- H.B. 749**, To Committee on Natural Resources.
- H.B. 761**, To Committee on Intergovernmental Relations.

H.B. 792, To Committee on Natural Resources.  
H.B. 798, To Committee on Economic Development.  
H.B. 804, To Committee on Intergovernmental Relations.  
H.B. 809, To Committee on Human Resources.  
H.B. 888, To Committee on Finance.  
H.B. 900, To Committee on Economic Development.  
H.B. 969, To Committee on Intergovernmental Relations.  
H.B. 979, To Committee on Human Resources.  
H.B. 1062, To Committee on Intergovernmental Relations.  
H.B. 1074, To Committee on Natural Resources.  
H.B. 1106, To Committee on State Affairs.  
H.B. 1109, To Committee on Human Resources.  
H.B. 1152, To Committee on Intergovernmental Relations.  
H.B. 1155, To Committee on Finance.  
H.B. 1162, To Committee on State Affairs.  
H.B. 1189, To Committee on Natural Resources.  
H.B. 1214, To Committee on State Affairs.  
H.B. 1291, To Committee on Natural Resources.  
H.B. 1301, To Committee on Intergovernmental Relations.  
H.B. 1303, To Committee on Intergovernmental Relations.  
H.B. 1326, To Committee on Intergovernmental Relations.  
H.B. 1334, To Committee on Human Resources.  
H.B. 1378, To Committee on State Affairs.  
H.B. 1392, To Committee on Intergovernmental Relations.  
H.B. 1403, To Committee on State Affairs.  
H.B. 1433, To Committee on Intergovernmental Relations.  
H.B. 1453, To Committee on Natural Resources.  
H.B. 1462, To Committee on Finance.  
H.B. 1480, To Committee on Natural Resources.  
H.B. 1497, To Committee on Economic Development.  
H.B. 1509, To Committee on Jurisprudence.  
H.B. 1517, To Committee on Jurisprudence.  
H.B. 1518, To Committee on Human Resources.  
H.B. 1521, To Committee on State Affairs.  
H.B. 1539, To Committee on Intergovernmental Relations.  
H.B. 1542, To Committee on Intergovernmental Relations.  
H.B. 1550, To Committee on Natural Resources.  
H.B. 1596, To Committee on State Affairs.  
H.B. 1622, To Committee on Intergovernmental Relations.  
H.B. 1624, To Committee on Intergovernmental Relations.  
H.B. 1625, To Committee on Economic Development.  
H.B. 1704, To Committee on Jurisprudence.  
H.B. 1719, To Committee on State Affairs.  
H.B. 1735, To Committee on Economic Development.  
H.B. 1742, To Committee on Intergovernmental Relations.  
H.B. 1784, To Committee on Jurisprudence.  
H.B. 1797, To Committee on Intergovernmental Relations.  
H.B. 1822, To Committee on Economic Development.  
H.B. 1829, To Committee on State Affairs.  
H.B. 1853, To Committee on Natural Resources.  
H.B. 1892, To Committee on Jurisprudence.  
H.B. 1895, To Committee on Intergovernmental Relations.  
H.B. 1896, To Committee on Economic Development.  
H.B. 1922, To Committee on State Affairs.  
H.B. 1928, To Committee on Intergovernmental Relations.

H.B. 1964, To Committee on Intergovernmental Relations.  
H.B. 1971, To Committee on Intergovernmental Relations.  
H.B. 2001, To Committee on Intergovernmental Relations.  
H.B. 2011, To Committee on Economic Development.  
H.B. 2016, To Committee on Intergovernmental Relations.  
H.B. 2046, To Committee on Human Resources.  
H.B. 2062, To Committee on Economic Development.  
H.B. 2078, To Committee on Intergovernmental Relations.  
H.B. 2094, To Committee on Jurisprudence.  
H.B. 2098, To Committee on State Affairs.  
H.B. 2100, To Committee on Intergovernmental Relations.  
H.B. 2168, To Committee on Human Resources.  
H.B. 2171, To Committee on State Affairs.  
H.B. 2176, To Committee on State Affairs.  
H.B. 2195, To Committee on Natural Resources.  
H.B. 2207, To Committee on Economic Development.  
H.B. 2240, To Committee on Economic Development.  
H.B. 2293, To Committee on Natural Resources.  
H.B. 2295, To Committee on Natural Resources.  
H.B. 2296, To Committee on Intergovernmental Relations.  
H.B. 2303, To Committee on Natural Resources.  
H.B. 2306, To Committee on Natural Resources.  
H.B. 2319, To Committee on Natural Resources.  
H.B. 2333, To Committee on Finance.  
H.C.R. 87, To Committee on State Affairs.  
H.C.R. 119, To Committee on Administration.  
H.J.R. 103, To Committee on State Affairs.  
H.J.R. 117, To Committee on State Affairs.

#### REPORTS OF STANDING COMMITTEES

Senator Jones submitted the following report for the Committee on Finance:

C.S.S.B. 159 (Read first time)

Senator Uribe, Acting Chairman, submitted the following report for the Committee on Human Resources:

S.B. 170

S.B. 911

C.S.S.B. 1230 (Read first time)

Senator Brooks submitted the following report for the Committee on Human Resources:

S.B. 1212

C.S.S.B. 680 (Read first time)

Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 1133

S.B. 966

H.B. 258

H.B. 911

H.B. 270  
H.J.R. 49  
S.B. 1196  
S.B. 1238  
S.B. 1166  
C.S.S.B. 1228 (Read first time)  
C.S.H.B. 889 (Read first time)  
C.S.S.B. 1219 (Read first time)

Senator McKnight submitted the following report for the Subcommittee on Nominations:

We, your Subcommittee on Nominations, to which were referred the following appointments, have had same under consideration, and beg to report them back to the Senate for final consideration:

To be Members of the BOARD OF REGENTS - LAMAR UNIVERSITY: W. Donham Crawford, Jefferson County; Otho Plummer, Jefferson County; B. A. "Mark" Steinhagen, Jefferson County.

To be Members of the BOARD OF REGENTS - WEST TEXAS STATE UNIVERSITY: Frances Edward Barrett, Deaf Smith County; Mrs. Lee T. Bivins, Potter County; Stanley K. Davis, Randall County.

To be a Member of the BOARD OF DIRECTORS - TEXAS TURNPIKE AUTHORITY: Jack Taylor Dulworth, Harris County.

To be Members of the TEXAS INDUSTRIAL COMMISSION: Hector Gutierrez, Jr., Tarrant County; Marcus Nils Mauritz, Victoria County.

To be the CANADIAN RIVER COMPACT COMMISSIONER: Robert D. Lemon, Ochiltree County.

To be DISTRICT ATTORNEY OF THE 286TH JUDICIAL DISTRICT: Warren G. Tabor, Jr., Hockley County.

To be a Member of the STATE PURCHASING AND GENERAL SERVICES COMMISSION: O. Michael Prigmore, Gray County.

To be BRANCH PILOT - PORT ARANSAS BAR, CORPUS CHRISTI BAY AND TRIBUTARIES: Capt. William C. Ligon, San Patricio County.

To be Members of the COASTAL INDUSTRIAL WATER AUTHORITY: John Fonteno, Jr., Harris County; Johnnie Glen Jennings, Chambers County.

To be a Member of the STATE CONSERVATORSHIP BOARD: Frank Junell, Tom Green County.

To be DISTRICT ATTORNEY OF THE 266TH JUDICIAL DISTRICT: Randolph Clark Chandler, Erath County.

To be JUDGE OF THE 276TH JUDICIAL DISTRICT: William Reed Porter, Morris County.

**NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator McKnight gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

**BILLS AND RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

S.B. 18	S.B. 597
S.B. 52	S.B. 671
S.B. 57	S.B. 716
S.B. 88	S.B. 736
S.B. 164	S.B. 858
S.B. 221	S.B. 869
S.B. 282	S.B. 872
S.B. 316	S.B. 890
S.B. 418	S.B. 892
S.B. 485	S.B. 900
S.B. 487	S.B. 932
S.B. 537	S.B. 1096
S.C.R. 6	S.C.R. 86
S.C.R. 54	S.C.R. 90

**CO-AUTHOR OF SENATE BILL 468**

On motion of Senator Sarpalius and by unanimous consent, Senator Ogg will be shown as Co-author of S.B. 468.

**CO-SPONSOR OF HOUSE BILL 792**

On motion of Senator Doggett and by unanimous consent, Senator Ogg will be shown as Co-sponsor of H.B. 792.

**CO-SPONSOR OF HOUSE BILL 1914**

On motion of Senator Harris and by unanimous consent, Senator Ogg will be shown as Co-sponsor of H.B. 1914.

**GUESTS PRESENTED**

Senator Andujar was recognized and presented Representative Chris Semos.

Senator Andujar then presented Tim Fennell of Texas State Technical Institute in Waco, winner of the Texas Sesquicentennial Logo contest.

Runners-up in the contest were then introduced. They were Joanne T. West, of Corsicana; Robin Waide, West Texas State University, Canyon; Sid Hilburn, Arlington; and James A. Norris of Bedford.

Each winner was presented with a plaque.

Senator Santiesteban presented a Texas flag to Tim Fennell.

#### SENATE RESOLUTION 571

Senator Truan offered the following resolution:

WHEREAS, Citizens of Mexico and Americans of Mexican ancestry will always remember with pride "El Cinco de Mayo," that immortal date which recalls the triumph of Mexico over an invading French army; and

WHEREAS, In 1862, Mexico's reputation in the world was at a low ebb because of a lack of unity in its central government and its subsequent inability to meet payments on its national debt; and

WHEREAS, When Mexico declared a two-year moratorium on all national debts, the countries of Spain, England, and France organized an armed intervention for the agreed purpose of collection on the debts; however, dissension among these three revealed the scheme of debt collection to be a mere pretext on the part of France to add Mexico to her satellite holdings; at this point Spain and England withdrew; and

WHEREAS, The French remained under the command of Comte de Lorencez who moved on Puebla in early May; Ignacio Zaragoza, the Texas-born liberal who had been one of the heroes of the War of the Reform led by Benito Juarez, held the passages of Puebla with a ragtag force that included many local indios armed only with machetes; and

WHEREAS, Zaragoza, who looked more like a schoolteacher than a general, had only two advantages: he held commanding ground, with two stone-walled forts, Guadalupe and Loreto, and his men were fighting on and for their own soil; he told them: "Your enemies are the first soldiers in the world, but you are the first sons of Mexico. They have come to take your country from you"; and

WHEREAS, Lorencez, arrogantly overconfident, attacked on May 5; the French troops failed three times to carry Fort Guadalupe and lost over a thousand men in their assault; finally, the French armies were forced to retreat back to Orizaba, with Mexican cavalry on their flanks; and

WHEREAS, The battle of Puebla was a small action, but the outcome fired the Mexicans with a sorely needed self-assurance, and as important as the demonstrated valor of the raw Mexican soldiers under fire was the strategic result of Lorencez's defeat; the French conquest was delayed a full year; and

WHEREAS, It is appropriate that we recognize the significance of this grand victory in the history of our neighbors to the south, both on behalf of our Mexican-American citizens and in the memory of Ignacio Zaragoza, born in Goliad, Texas, who led the Mexican troops in triumph; and

WHEREAS, We acknowledge that the celebration of "Cinco de Mayo" has persisted and become an important tradition in the Mexican-American communities of the Southwest for over 100 years; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 67th Legislature, extend to the citizens of Mexico visiting the United States and to its own citizens of Mexican descent a cordial wish for a memorable "Cinco de Mayo" celebration.

TRUAN  
URIBE  
SANTIESTEBAN



## VALE

The resolution was read and was adopted.

**GUEST PRESENTED**

Senator Uribe was recognized and presented Judge Raul Longoria, former Member of the Senate.

Judge Longoria was welcomed as a guest today.

**CONFERENCE COMMITTEE REPORT SENATE BILL 425**

Senator Santiesteban submitted the following Conference Committee Report:

Austin, Texas  
April 30, 1981

Honorable William P. Hobby  
President of the Senate

Honorable Bill Clayton  
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.B. 425 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

SANTIESTEBAN  
VALE  
URIBE  
PARKER  
On the part of the Senate

POLK  
NOWLIN  
PIERCE  
HILL  
On the part of the House

**CONFERENCE COMMITTEE REPORT  
SENATE BILL 425****A BILL TO BE ENTITLED  
AN ACT**

relating to the creation and operation of mass transit authorities in certain urban areas; providing for certain payments to board members; amending Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 1118x, Vernon's Texas Civil Statutes), by amending Subsection (a) of Section 2, Subsection (b) of Section 3, and Subsection (c) of Section 4.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (a), Section 2, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 1118x, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) 'Metropolitan area' means any area within the State of Texas having a population density of not less than 250 persons per square mile and containing not less than 51 percent of the incorporated territory comprising a city having a population of at least 325,000 ~~[not less than 600,000]~~ inhabitants according to the last preceding or any future federal census, and in which there may be situated other incorporated cities, towns and villages and the suburban areas and environs thereof; provided, however, that bicoounty metropolitan areas as subsequently defined herein, are not included or in any way affected by this Act."

SECTION 2. Subsection (b), Section 3, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 1118x, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) Such governing body shall by ordinance or resolution fix a time before ~~December 31, 1985~~ ~~[December 1, 1977]~~, and a place for holding a public hearing on the question of creating an authority. The governing body also shall by ordinance or resolution, after receipt of a petition as provided in Subsection (a) of this section, and may, on its own motion, fix a time and place for holding a public hearing on a proposal to create an authority. The ordinance or resolution shall define the boundaries of the area proposed to be included in such authority. The initial territory included in an authority shall be all the territory included in the county in which the major portion of the principal city is situated, plus any additional territory that is in an adjacent county and is included in the ordinance or resolution."

SECTION 3. Subsection (c), Section 4, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 1118x, Vernon's Texas Civil Statutes), is amended to read as follows:

"(c) Each member of the board ~~[shall be entitled to the sum of \$50 for each meeting of the board which he attends, not to exceed five meetings in any calendar month, and]~~ shall be reimbursed for his necessary and reasonable expenses incurred in the discharge of his duties. Each member of a board in a metropolitan area in which the principal city's population exceeds 600,000, according to the most recent federal census, is entitled to \$50 for each meeting of the board attended, not to exceed five meetings in a calendar month. The principal city shall pay, from taxes or other funds, the sums provided by this subsection for attendance at meetings held before the authority has received any revenues, and shall reimburse members for necessary and reasonable expenses incurred by the members or the board prior to receipt of revenues by the authority, but the authority, after receiving revenues, shall reimburse the principal city for ~~[of]~~ all payments and reimbursements made as provided in this subsection."

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and filed with the Secretary of the Senate.

**SENATE RULE 103 SUSPENDED**

On motion of Senator Santiesteban and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Intergovernmental Relations might consider H.B. 2232 today.

**COMMITTEE SUBSTITUTE SENATE BILL 159 ORDERED NOT PRINTED**

On motion of Senator Jones and by unanimous consent, C.S.S.B. 159 was ordered not printed.

**SENATE BILL 168 WITH HOUSE AMENDMENT**

Senator Farabee called S.B. 168 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Bock

Substitute the following for S.B. 168:

**A BILL TO BE ENTITLED  
AN ACT**

relating to the duration of the quail season in Kent, Knox, and Stonewall counties providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 232, Parks and Wildlife Code, is amended to read as follows:

**SUBCHAPTER A. APPLICABILITY OF UNIFORM  
WILDLIFE REGULATORY ACT**

Sec. 232.001. REGULATORY ACT: APPLICABILITY. Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Kent County.

[Sections 232.002-232.010 reserved for expansion]

**SUBCHAPTER B. BIRDS**

Sec. 232.011. QUAIL. (a) No person may hunt quail in Kent County except during the open season beginning on December 1 of one year and extending through January 31 of the following year.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each quail taken in violation of this section constitutes a separate offense.

SECTION 2. Subchapter B, Chapter 238, Parks and Wildlife Code, as amended, is amended to read as follows:

**SUBCHAPTER B. BIRDS [FISH]**

Sec. 238.011. QUAIL. (a) No person may hunt quail in Knox County except during the open season beginning on December 1 of one year and extending through January 31 of the following year.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each quail taken in violation of this section constitutes a separate offense.

SECTION 3. Chapter 317, Parks and Wildlife Code, is amended to read as follows:

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

Sec. 317.001. **REGULATORY ACT: APPLICABILITY.** Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Stonewall County.

[Sections 317.002-317.010 reserved for expansion]

**SUBCHAPTER B. BIRDS**

Sec. 317.011. **QUAIL.** (a) No person may hunt quail in Stonewall County except during the open season beginning on December 1 of one year and extending through January 31 of the following year.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each quail taken in violation of this section constitutes a separate offense.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Farabee moved to concur in the House amendment.

The motion prevailed.

**SENATE BILL 782 WITH HOUSE AMENDMENT**

Senator Brooks called **S.B. 782** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Craddick

Amend **H.B. 782**, Section 2, page 1, line 26 through page 2, line 8 to read as follows:

**Section 51.717. GRANTING AND RECORDING PETITION.**

The addition of land to the district by landowner's petition is final at the time the board grants the petition, and no other procedure, election or action is required. A petition which is granted adding land to the district shall be filed for record and shall be recorded in the office of the county clerk of the county in which the land is located.

The amendment was read.

Senator Brooks moved to concur in the House amendment.

The motion prevailed.

**HOUSE BILL 246 ON SECOND READING**

Senator Snelson moved to suspend the regular order of business to take up for consideration at this time:

**H.B. 246**, Relating to the curriculum in public schools.

The motion prevailed by the following vote: Yeas 25, Nays 5, Present-not voting 1.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Mauzy, McKnight, Meier, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Uribe, Wilson.

Nays: Leedom, Mengden, Truan, Vale, Williams.

Present-not voting: Andujar.

The bill was read second time.

Senator Snelson offered the following committee amendment to the bill:

Amend **H.B. 246** as follows:

(1) Amend SECTION 1, Subsection (d) by inserting the following after "(d)": A primary purpose of the public school curriculum in Texas shall be to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage.

The committee amendment was read and was adopted.

Senator Snelson offered the following committee amendment to the bill:

Section 21.01

Add at end of section (4) line 25:

"The appropriate committees of both houses during the first 60 days of regular session will hold public hearings on the curriculum changes that have been made in the preceding two years and take legislative action to approve, or remove any particular curriculum area they desire but not to add any prescribed curriculum."

The committee amendment was read and was adopted.

Senator Snelson offered the following committee amendment to the bill:

Amend **H.B. 246** as follows:

(1) Amend Section 1, line 17 after the word "economics" add the language "with emphasis on the free enterprise system".

The committee amendment was read.

Senator Richards offered the following substitute for the pending committee amendment:

Amend **H.B. 246** as follows:

(1) Amend Section 1, line 44 after the word "economics" add the language "with emphasis on the free enterprise system and its benefits".

The substitute for the pending committee amendment was read and was adopted.

Question recurring on the adoption of the pending committee amendment as substituted, the committee amendment as substituted was adopted.

Senator Richards offered the following amendment to the bill:

amend **H.B. 246** as follows

add as section 21.101 subsection E and renumber the following sections accordingly

Any child may be exempted, without penalty, from receiving instruction therein if his parent or guardian presents to the school principal a signed statement that the teaching of disease, its symptoms, development and treatment, and the viewing of pictures or motion pictures on such subjects conflict with the religious teachings of a well-established church or denomination to which the parent or guardian and the child belongs.

The amendment was read and was adopted.

#### RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the adoption of the amendment.

Senator Mengden offered the following amendment to the bill:

Amend Section 1 of **H.B. 246** by amending the proposed Section 21.101(c) to read as follows:

"(c) The State Board of Education shall designate desirable elements to be taught in courses required by this Code with the designated elements to be advisory only and to serve only as guidelines for all school districts."

The amendment was read.

On motion of Senator Snelson, the amendment was tabled by the following vote: Yeas 25, Nays 6.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Mauzy, McKnight, Meier, Ogg, Parker, Santiesteban, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Wilson.

Nays: Andujar, Leedom, Mengden, Richards, Travis, Williams.

Senator Andujar offered the following amendment to the bill:

Amend **C.S.H.B. 246** by striking SECTION 2 in its entirety and inserting in lieu thereof the following:

“SECTION 2. Sections 4.14, 4.16, 21.102, 21.103, 21.105, and 21.112-21.121, Texas Education Code, as amended, are repealed.”

The amendment was read.

On motion of Senator Snelson, the amendment was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Kothmann, Mauzy, McKnight, Ogg, Parker, Santiesteban, Sarpalius, Snelson, Truan, Uribe, Vale.

Nays: Andujar, Jones, Leedom, Meier, Mengden, Richards, Short, Traeger, Travis, Williams, Wilson.

On motion of Senator Snelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### **RECORD OF VOTES**

Senators Mengden, Travis and Truan asked to be recorded as voting “Nay” on the passage of the bill to third reading.

#### **HOUSE BILL 246 ON THIRD READING**

Senator Snelson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 246** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Snelson, Traeger, Travis, Uribe, Wilson.

Nays: Short, Truan, Vale, Williams.

The bill was read third time and was passed.

#### **RECORD OF VOTES**

Senators Travis, Wilson, Williams, Truan, Mengden, Short and Leedom asked to be recorded as voting “Nay” on the final passage of the bill.

#### **SENATE BILL 766 ON THIRD READING**

Senator Ogg moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

**S.B. 766**, Providing for the incorporation, regulation, administration, and dissolution of not for profit health facilities development corporations by cities, counties, and hospital districts for the public purpose of promoting and developing new, expanded, and improved health care and health care related facilities necessary for health care, research, and education, etc.; and declaring an emergency.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Andujar, Brooks, Brown, Caperton, Glasgow, Harris, Jones, Kothmann, Leedom, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Uribe, Vale, Williams, Wilson.

Nays: Blake, Doggett, Howard, Mauzy, Truan.

Absent: Farabee.

The bill was read third time and was passed.

#### RECORD OF VOTES

Senators Howard and Doggett asked to be recorded as voting "Nay" on the final passage of the bill.

#### COMMITTEE SUBSTITUTE SENATE BILL 826 ON THIRD READING

Senator Glasgow moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

**C.S.S.B. 826**, Relating to the requirement of consent to certain actions regarding mentally retarded persons and to the rights of mentally retarded persons.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, McKnight, Meier, Ogg, Parker, Richards, Santiesteban, Sarpalius, Snelson, Travis, Truan, Uribe, Williams, Wilson.

Nays: Doggett, Leedom, Mauzy, Mengden, Short, Traeger, Vale.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7. (Same as previous roll call)

#### SENATE BILL 233 ON SECOND READING

On motion of Senator Short and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 233**, Relating to a program to research, develop, and demonstrate the conversion of cellulose to alcohol.

The bill was read second time and was passed to engrossment.



**SENATE BILL 233 ON THIRD READING**

Senator Short moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 233** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed.

**SENATE JOINT RESOLUTION 23 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.J.R. 23**, Proposing a constitutional amendment relating to the maximum tax rate for rural fire prevention districts.

The resolution was read second time and was passed to engrossment.

**SENATE JOINT RESOLUTION 23 ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.J.R. 23** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The resolution was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 852 ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 852**, Relating to state payment for expenses arising from a criminal prosecution for an offense committed by a prisoner or employee of the department of corrections.

The bill was read second time.

Senator Caperton offered the following committee amendment to the bill:

Amend Senate Bill 852, SECTION 1, Article 1036, Code of Criminal Procedure, subsection (a) as follows:

(7) if the death of a person is an element of the offense, expenses of an inquest relating to the death; ~~and~~

(8) food, lodging, per diem, and travel expenses incurred by the prosecutor's staff during travel essential to the prosecution of the offense(-);

(9) Court Reporter's fees; and

(10) the cost of Special Security officers.

The committee amendment was read and was adopted.

Senator Caperton offered the following committee amendment to the bill:

Amend S.B. 852, Article 1036(5) by omitting the word “and jurors.”

The committee amendment was read and was adopted.

Senator Caperton offered the following amendment to the bill:

Amend Senate Bill 852, Section 1, Article 1036, Code of Criminal Procedure, Subsection (a) as follows:

- (9) Court Reporter's fees,~~[-and]~~
- (10) the cost of special security officers,~~[-]~~ and
- (11) the cost of and expenses associated with investigations under Section 39.021, Penal Code. Expenses incurred by the county under Section 11 of this section shall be reimbursed even though the investigation does not lead to an indictment or trial, in which case the county commissioners court shall certify the amount to the Comptroller of Public Accounts. The comptroller shall issue a warrant in that amount to the commissioners court of the county if the comptroller determines the amount to be reasonable or, if not reasonable, in such amount as the comptroller determines to be reasonable.

The amendment was read and was adopted.

On motion of Senator Caperton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### SENATE BILL 852 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 852 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed.

#### CONFERENCE COMMITTEE ON HOUSE BILL 391

Senator Jones called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H.B. 391 and moved that the request be granted.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on H.B. 391 before appointment.

There were no motions offered.